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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/708,898	11/08/2000	Roni Even	ACC3(6544.107870)	3103

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EXAMINER

WON, MICHAEL YOUNG

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/708,898

Applicant(s)

EVEN ET AL.

Examiner

Young N Won

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-23 is/are rejected.
- 7) ☒ Claim(s) 9 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2,3,6 & 7.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. An election was made to prosecute the invention of Group I, claims 1-24 in the Response to Restriction Requirement file on July 7, 2004. Claims 25-48 have been cancelled.
2. Claims 1-24 have been examined and are pending with this action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8 and 9 recite the limitation "virtual multipoint control unit". There is insufficient antecedent basis for this limitation in the claim. Claim 8 and 9 depend on claim 1 and claim 1 states "central controller", not "virtual multipoint control unit". The examiner has assumed that "virtual multipoint control unit" and "central controller" to be the same in evaluating the claimed language. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 6-8, and 10-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar et al. (US 6,006,253 A) in view of Bruno et al. (US 5,563,882 A).

As per claim 1, Kumar teaches a method for multimedia communication, comprising the steps of: communicatively interconnecting a plurality of multimedia terminals to a plurality of corresponding multipoint control units (see Fig.1; col.3, lines 40-48; and col.4, lines 14-17); identifying capability factors for each of the plurality of multimedia terminals and each of the plurality of corresponding multipoint control units (see col.1, lines 23-29: H.232 requirement); responsive to a command to initiate a multimedia communication between at least two of the plurality of multimedia terminals, evaluating the capability factors for each of the at least two multimedia terminals (see col.1, lines 23-29: H.232 requirement: "capability negotiation"); and comparing the capability factors for each of the at least two multimedia terminals to the capability factors of the multipoint control units communicatively interconnected to the central controller to determine a preferred interconnection between the at least two multimedia terminals (see col.5, lines 63-66);

Kumar does not explicitly teach of a central controller communicatively interconnecting the plurality of corresponding multipoint control units; and responsive to the comparing of capability factors, the central controller directing a communicative interconnection between the at least two multimedia terminals via at least one of the plurality of multipoint control units. Bruno teaches of a central controller communicatively interconnecting the plurality of corresponding multipoint control units (see col.5, lines 56-60); and responsive to the comparing of capability factors (taught by Kumar), the central controller directing a communicative interconnection between the at least two multimedia terminals via at least one of the plurality of multipoint control units (see col.5, lines 60-64). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Bruno within the system of Kumar by implementing a central controller communicatively interconnecting the plurality of corresponding multipoint control units to direct a communicative interconnection between the at least two multimedia terminals via at least one of the plurality of multipoint control units, within the multimedia communication method because Bruno teaches that the "conference control unit maintains a current or running inventory of all available MCUs" thus enabling control to reserve the necessary conference ports among the plurality of connections (see Bruno: col.5, lines 60-64). Furthermore, Kumar teaches that the invention is "not to be limited to specific constructions and arrangements shown and described" (see col.11, line 66 to col.12, line 5), therefore since Kumar teaches of interconnecting to various networks

(see Fig.1: PSN, PSTN, ISDN, ATM, Internet), one of ordinary skill in the art would employ a control mechanism for controlling all of the MCUs of each of the plurality of network.

As per claim 2, Kumar further teaches wherein the capability factors include identification factors (see col.4, lines 63-65), matching factors (see col.6, lines 1-7), and routing factors (implicit: see col.3, lines 40-43).

As per claim 6, Kumar teaches of further comprising: allocating conferences on multipoint control units such that the number of conferences that can be scheduled on a conference schedule is optimized (see col.9, lines 60-65).

As per claim 7, Kumar further teaches wherein the conference schedule is optimized by combining conferences on a multipoint control unit so as to maximize the number of participants on the multipoint control unit (see col.9, lines 60-65: "sufficient resources").

As per claim 8, Bruno teaches of further comprising: controlling multipoint control unit participant slots with the virtual multipoint control unit (see claim 1 rejection above and col.5, lines 60-64).

As per claim 10, Kumar further teaches wherein the multipoint control unit participant slots are participant slots remaining after the multipoint control unit is optimally scheduled (inherent).

As per claim 11, Kumar further teaches wherein the command to initiate a multimedia communication is issued when the start time for a conference arrives (see col.4, line 66 to col.5, line 18).

As per claim 12, Kumar further teaches wherein the command to initiate a multimedia communication is issued when a participant requests an impromptu multimedia communication (see col.4, line 66 to col.5, line 18).

As per claim 13, Kumar teaches a system for multimedia communication, comprising; a plurality of multimedia terminals (see abstract; col.2, lines 2-4; and col.3, lines 28-31); and a plurality of multipoint control units in communication with the plurality of multimedia terminals (see Fig.1; col.3, lines 40-48; and col.4, lines 14-17).

Kumar does not explicitly teach of a virtual multipoint control unit communicatively interconnected to the plurality of corresponding multipoint control units for controlling the plurality of multipoint control units from a single location. Bruno teaches a virtual multipoint control unit communicatively interconnected to the plurality of corresponding multipoint control units for controlling the plurality of multipoint control units from a single location (see col.5, lines 38-64). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Bruno within the system of Kumar by implementing a virtual multipoint control unit communicatively interconnected to the plurality of corresponding multipoint control units within the multimedia communication system because Bruno teaches that the "conference control unit maintains a current or running inventory of all

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available MCUs" thus enabling control to reserve the necessary conference ports among the plurality of connections (see Bruno: col.5, lines 60-64). Furthermore, Kumar teaches that the invention is "not to be limited to specific constructions and arrangements shown and described" (see col.11, line 66 to col.12, line 5), therefore since Kumar teaches of interconnecting to various networks (see Fig.1: PSN, PSTN, ISDN, ATM, Internet), one of ordinary skill in the art would employ a control mechanism for controlling all of the MCUs of each of the plurality of networks.

As per claim 14, Kumar further teaches wherein at least one of the multimedia terminals is an H.320 terminal (see Fig.1, #152).

As per claim 15, Kumar further teaches wherein at least one of the multimedia terminals is an H.323 terminal (see Fig.1, #112; Fig.2A, #212 & #214; and col.2, lines 63-67).

As per claim 16, Kumar further teaches wherein at least one of the multimedia terminals is an H.321 terminal (see Fig.1, #162).

As per claim 17, Kumar further teaches wherein the multimedia terminals include a combination of H.320, H.321, and H.323 systems (see claim 14-16 rejection above).

As per claim 18, Kumar further teaches wherein the multimedia terminals can communicate over an ATM network (see Fig.1, #160 and col.3, lines 31-39).

As per claim 19, Kumar further teaches wherein the multimedia terminals can communicate over a LAN/Internet network (see Fig.1, #140; col.1, lines 19-23; and col.3, lines 31-39).

As per claim 20, Kumar further teaches wherein the multimedia terminals can communicate over an ISDN network (see Fig.1, #150 and col.3, lines 31-39).

As per claim 21, Kumar further teaches wherein the virtual multipoint control unit is capable of communicating with terminals of various standards (implicit: see Fig.1).

As per claim 22, Kumar further teaches wherein the terminals are compatible with the H.320, H.321, and H.323 standards (see claim 14-16 rejection above).

As per claim 23, Bruno further teaches wherein the virtual multipoint control unit in communication with the at least two multipoint control units is capable of scheduling and hosting a video conference including terminals connected to at least two of the at least two multipoint control units (implicit: see claim rejection and col.5, lines 56-64).

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar et al. (US 6,006,253 A) and Bruno et al. (US 5,563,882 A), further in view of Sheldon (US 4,362,928 A). Kumar and Bruno teach all the limitations of claim 3 including plurality of multimedia terminals (see claim 1 rejection above), but they do not explicitly teach wherein the identification factors include information relating to the identity, needs, requirements, and participation authority. Sheldon teach wherein the identification factors include information relating to the identity, needs, requirements, and participation authority (see col.1, lines 43-49 and col.4, line 64-col.5, line 14). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Sheldon within the system of Kumar and Bruno by

implementing an identification factor including a plurality of information within the multimedia communication method because, the plurality of information are not functionally involved in the steps recited and the comparing of the capabilities factor would be performed regardless of the data. Furthermore, the plurality of information is subjective and does not patentably distinguish the claimed invention. See *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar et al. (US 6,006,253 A) and Bruno et al. (US 5,563,882 A), further in view of Wicki et al. (US 6,212,602 B1). Kumar and Bruno teach all the limitations of claim 4 including plurality of multimedia terminals (see claim 1 rejection above), but they do not explicitly teach wherein the matching factors includes information relating to the capacity and technological orientation. Wicki teaches of factors including information relating to the capacity and technological orientation (see col.1, lines 41-45). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Wicki within the system of Kumar and Bruno by implementing an matching factor including a plurality of information within the multimedia communication method because, the plurality of information are not functionally involved in the steps recited and the comparing of the capabilities factor would be performed regardless of the data. Furthermore, the plurality of information is

subjective and does not patentably distinguish the claimed invention. See *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar et al. (US 6,006,253 A) and Bruno et al. (US 5,563,882 A), further in view of Mattson et al. (US 5,983,269 A). Kumar and Bruno teach all the limitations of claim 5, except wherein the routing factors include information relating to the most expeditious route for effecting the communicative interconnection between the at least two multimedia terminals and the corresponding multipoint control unit. Although the examiner believes this limitation to be implicit, Mattson reference is presented to teach wherein the routing factors include information relating to the most expeditious route for effecting the communicative interconnection between the at least two multimedia terminals and the corresponding multipoint control unit (see col.1, lines 29-41). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Mattson within the system of Kumar and Bruno by implementing information relating to the most expeditious route for effecting communicative interconnection within the multimedia communication method because Kumar teaches of video conferencing which to be effective must be in real-time and therefore rely on optimizing transmission speed.

Allowable Subject Matter

8. Claims 9 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Prior art of record Kumar et al. (US 6,006,253 A) and Bruno et al. (US 5,563,882 A), do not disclose, teach, or suggest wherein the virtual multipoint control unit (or "central controller": see 112 rejection above) controls the multipoint control unit participant slots as if it were an additional multipoint control unit as recited in claim 9.

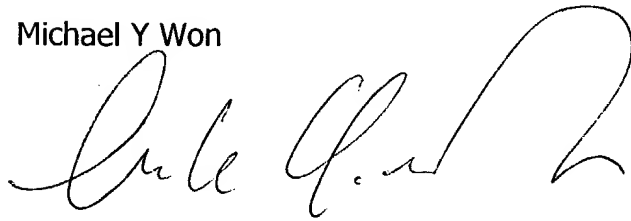
Prior art of record Kumar et al. (US 6,006,253 A) and Bruno et al. (US 5,563,882 A), do not disclose, teach, or suggest wherein the virtual multipoint control unit is one of plurality of multipoint control units as recited in claim 24.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y Won whose telephone number is (571) 272-3993. The examiner can normally be reached on M-Th: 6AM-3PM.

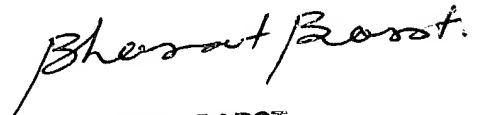
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Y Won



September 29, 2004



BHARAT BAROT
PRIMARY EXAMINER